IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.1164 of 2007
Date of Decision: 25.1.2007

The Xen PWD (B&R) National Highway Divisin No.2, Hisar

Petitioner

versus

Presiding Officer, Labour Court and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri Harish Rathee, Sr.DAG Haryana for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed against award dated 17.11.2005, vide which, the respondent workman was reinstated with continuity of service and 50% of the back wages.

It is apparent from the records that the workman had continuously worked for 240 days with the management, when his service was terminated. This fact was even admitted by MW1, in his statement, before the Tribunal below. Contention of the petitioner, that the workman had abandoned his service, was not proved on record. It is also an admitted fact that before termination of service of the respondent workman, what to talk of payment of retrenchment compensation, even one month's notice was not issued to him. Counsel for the petitioner, by referring to the statement made by MW1, has argued that the work, for which, the respondent workman was employed, had come to an end, which led to his termination. We feel that on this score only, no benefit can be given to the petitioner, the witness has not said when that store was closed, whether

there was no work in existence when service of the workman was terminated. No such plea was taken in the written statement, wherein it was only said that the workman has abandoned his service. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

January 25, 2007
gk

(Baldev Singh)
Judge